

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

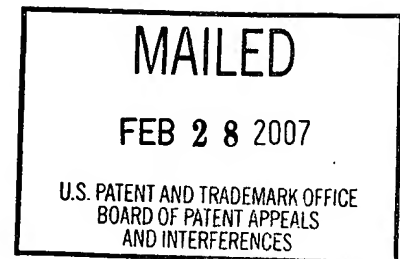
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Michael J. Schaffer

Appeal No. 2006-3233
Application No. 10/046,596
Technology Center 2800

ON BRIEF



Before HAIRSTON, DIXON, and MACDONALD, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. §134 from the Examiner's final rejection of claims 1, 4, 7, 9, 12, and 14. Claims 2, 3, 5, 6, 8, 10, 11, 13, and 15-24 are objected to by the Examiner and are indicated as allowable if rewritten in independent form.

We AFFIRM-IN-PART.

BACKGROUND

Appellant's invention relates to providing integrated chassis antenna for processor-based devices. An understanding of the invention can be derived from a reading of exemplary claims 1 and 14, which are reproduced below.

1. A wireless computer network comprising:
 - a wireless network computer having a chassis;
 - an integrated chassis antenna that is coupled to the computer chassis;
 - a first wireless network device coupled to the integrated chassis antenna; and
 - a second wireless network device operative to communicate with the wireless network computer.

14. A method comprising:
 - fabricating a chassis; and
 - integrating an antenna with the chassis.

PRIOR ART

The prior art reference of record relied upon by the Examiner in rejecting the appealed claims is:

Crawford

US 6,456,242 B1

Sep. 24, 2002

REJECTIONS

Claims 1, 4, 7, 9, 12 and 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Crawford.¹

Rather than reiterate the conflicting viewpoints advanced by the Examiner and the Appellant regarding the above-noted rejection, we make reference to the Examiner's Answer (mailed Sep. 29, 2003) for the reasoning in support of the rejection, and to Appellant's Brief (filed Jul. 21, 2003) and Reply Brief (filed Nov. 24, 2003) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to Appellant's specification and claims, to the applied prior art reference, and to the respective positions articulated by Appellant and the Examiner. As a consequence of our review, we make the determinations that follow.

Appellant argues that the term "integrated" has been expressly defined at page 8 of the original specification. We find that the Specification at page 8, ll. 18-20, states "[a]s used herein, 'integrated' or 'integrating' means to form or forming from material that forms a chassis and remaining contiguous, in part, with the chassis." We find that Appellant has expressly defined these terms and it is unreasonable for the Examiner to interpret the claims in a manner inconsistent with this definition. Since Crawford teaches that the disclosed antenna is an add-on after the formation of the chassis, the

¹ We do not find a statement of rejection for dependent claim 12 in the Examiner's text of the rejection, but the claim is similar to claim 7 so we assume the Examiner intended the same rationale to apply to claim 12.

antenna cannot be formed of the same material and remain contiguous with the chassis. Therefore, we cannot sustain the rejection of independent claims 1, 4, and 9 and their dependent claims 7 and 12.

With respect to independent claim 14, we reach a different conclusion since we cannot interpret the language of the claim in light of the specification since there would be no difference between independent claim 14 and dependent claim 15. Dependent claim 15 recites “integrating the antenna includes forming the antenna from a part of the chassis and forming the antenna with an edge contiguous with the chassis.”

If we interpret the “integrating” term as Appellant as indicated in the specification, then dependent claim 15 is duplicative of that claim language which would not be proper. Therefore, for independent claim 14 and dependent claim 15 to be distinct they must be different in scope and independent claim 14 must have been intended by Appellant to be broader in scope than the definition as advanced by Appellant. Therefore, we find that independent claim 14 cannot be reasonably read with the definition at page 8 in the Specification. Therefore, we find that the Examiner was not unreasonable in the interpretation given to independent claim 14 and in the application of the teachings of Crawford to independent claim 14. Therefore we will sustain the rejection of independent claim 14.

CONCLUSION


To summarize, we have reversed the rejection of claims 1, 4, 7, 9, and 12 under 35 U.S.C. § 102 and affirmed the rejection of claim 14 under 35 U.S.C. § 102.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART


KENNETH W. HAIRSTON
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge

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ALLEN R. MACDONALD
Administrative Patent Judge

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